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5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 JOHN W. INMAN,
10 Plaintiff,

CASE NO. CV-N-05-0157-LRH-(VPC)

11 vs.

MOTION FOR STAY OF JUDGMENT
PENDING APPEAL

12 DAVID THAWLEY, an individual, JOHN
LILLEY, an individual, UNIVERSITY AND
13 COMMUNITY COLLEGE SYSTEM OF
NEVADA, a political subdivision of the
14 State of Nevada,

Defendants.

15 _____ /
16 Plaintiff moves the Court pursuant to FRAP 8 for a stay pending the appeal in
17 this case. Specifically, the Defendants have obtained a judgment on the bill of costs and are
18 seeking to execute thereon while the appeal is pending, necessitating the instant relief.

19 DATED October 5th, 2007.

20 LAW OFFICE OF
JEFFREY A. DICKERSON

21 _____ /s/
22 JEFFREY A. DICKERSON

23 POINTS AND AUTHORITIES

24 FRAP 8(a)(1) requires a motion to the district court to stay judgment pending appeal.
25 FRAP 8(a)(E) gives the Court discretion with respect to filing a bond or other appropriate
26 security. The cost judgment in the case is \$3,534.85 at present. In the event the appeal is
27 successful, the Defendant(s) will no longer be the prevailing party and would therefore have
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1 to refund that collected as costs at the district court. Even if a refund in that situation were not
2 necessary, Plaintiff cannot at this time afford to satisfy the judgment. Plaintiff is willing to post
3 a \$300 bond in cash with the Clerk to secure the stay.

4 There is a likelihood of success on appeal. See *Hilton v. Braunskill*, 481 U.S. 770, 107
5 S.Ct. 2113 (1987) (Rule 8 factors). Of course, the Court has ruled. But there are valid issues
6 on appeal and it cannot be said there is no likelihood of success. The briefs are in and the
7 case is under submission. Thus, there will be no undue delay should the appellate court
8 affirm. There is thus no undue hardship to Defendants in awaiting payment of costs if they
9 remain successful.

10 Based upon the foregoing, Plaintiff respectfully submits that the Court should enter an
11 order staying execution on the cost bill pending the outcome of the appeal.

12 DATED October 5th, 2007.

13 LAW OFFICE OF
14 JEFFREY A. DICKERSON

15 /S/
16 JEFFREY A. DICKERSON
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